

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Brandon M. Owens)
)
Plaintiff,)
) Case No. 5:20-667-RMG
vs.)
)
Jordan Revels and Justin B. Gillespie,)
)
Defendants.)
)

)

This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that the action be dismissed because of the Plaintiff’s failure to state claims setting forth factual allegations of constitutional wrongdoing or discriminatory action attributable to the Defendants and to amend his complaint to cure the identified deficiencies. (Dkt. No. 25). Plaintiff has filed no objections to the R & R.

The Magistrate Judge makes only a recommendation that has no presumptive weight and the responsibility to make a final determination remains with the District Court. *Matthews v. Weber*, 423 U.S. 261, 270-71 (1976). The District Court can “accept, reject, or modify, in whole or in part, the findings or recommendations of the magistrate judge.” 28 U.S.C. Section 636(b)(1)(C). Where a party has not filed objections to the R & R, the Court reviews the R & R “only to satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72 Advisory Committee Note.

Plaintiff, a pretrial detainee detained at the Spartanburg County Detention Center, makes various allegations that Defendants violated his constitutional rights. The Magistrate Judge identified significant deficiencies in the Plaintiff’s complaint and made repeated efforts to offer

Plaintiff, acting *pro se*, an opportunity to cure his deficiencies. She obtained no response. (*Id.* at 2). The Magistrate Judge read each claim liberally in deference to the Plaintiff's *pro se* status. She addressed Plaintiff's allegations and described accurately the legal deficiencies of each claim. (*Id.* at 3-4). After a careful review of the record and the R & R in this matter, the Court **ADOPTS** the R & R of the Magistrate Judge (Dkt. No., 25) as the order of the Court and **DISMISSES** this action without prejudice.

AND IT IS SO ORDERED.

S/ Richard Mark Gergel
United States District Judge

May 27, 2020
Charleston, South Carolina